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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Deiter C. Gruenert et al. Examiner: Bronwen M. Loeb  
Serial No.: 09/392,682 Group Art Unit: 1636  
Filed: September 9, 1999 Docket: G&C 30448.97-US-D  
Title: GENE THERAPY BY SMALL FRAGMENT HOMOLOGOUS REPLACEMENT

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL 816007683US

Date of Deposit: October 1, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

By: Isabell Ogata  
Name: Isabell Ogata

CONTINUED PROSECUTION APPLICATION (CPA) UNDER 37 C.F.R. §1.53(d)

Box CPA  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is a request for a continuation application under 37 CFR § 1.53(d) (Continued Prosecution Application (CPA)) of prior patent application Serial No. 09/392,682, filed on September 9, 1999, and entitled GENE THERAPY BY SMALL FRAGMENT HOMOLOGOUS REPLACEMENT.

The above-identified prior patent application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, and which has a filing date on or after June 8, 1995, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

☒ The fee has been calculated as shown below in the "Claims as Filed" table.

CLAIMS AS FILED

| Number of Claims Filed       | In Excess of: | Number Extra | Rate        | Fee      |
|------------------------------|---------------|--------------|-------------|----------|
| Basic Filing Fee             |               |              |             | \$370.00 |
| Total Claims                 |               |              |             |          |
| 28                           | 20            | 8            | x \$9.00 =  | \$72.00  |
| Independent Claims           |               |              |             |          |
| 2                            | 3             | 0            | x \$42.00 = | \$0.00   |
| MULTIPLE DEPENDENT CLAIM FEE |               |              |             | \$0.00   |
| TOTAL FILING FEE             |               |              |             | \$442.00 |

☒ A Petition for Extension of Time under 37 C.F.R. 1.136 has been filed to extend the term in the prior patent application for 4 months. A copy of the petition for extension of time filed in the prior patent application is enclosed.

☒ PTO-2038 Credit Card Payment Form in the amount of \$442.00 to cover the Total Filing Fee.

(PTO TRANSMITTAL - FILING UNDER 37 CFR 1.53(d))

10/03/2002 SSITHIB1 0000063 09392682

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02 FC:203

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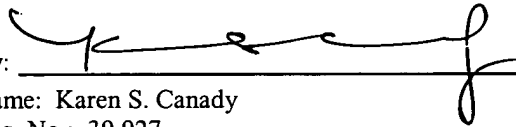
72.00 DP

- ☒ Address all future communications to the Attention of Karen S. Canady at Gates & Cooper LLP, Howard Hughes Center, 6701 Center Drive West, Suite 1050, Los Angeles, California 90045, Telephone: (310) 641-8797.
- ☒ A return postcard is enclosed.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge any requisite additional fees or credit any overpayment to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

Customer Number 22462  
**GATES & COOPER LLP**  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By:   
Name: Karen S. Canady  
Reg. No.: 39,927  
KSC/io